

EXHIBIT C

From: stanley@brandwoodwardlaw.com
To: "Mirabelli, Kyle (USADC)"
Cc: "Hutton Marshall"; "CJA_Rf_rfeitellaw.com"; "Angie Halim"; "Lauren Rosen"; "Todd Richman"; "Foster, Alexandra (USADC)"; "Brunwin, Christopher (USADC)"
Subject: RE: [EXTERNAL] RE: Samsel et al. 21-cr-537
Date: Sunday, October 15, 2023 9:27:13 PM
Attachments: [2022-02-27 - Rule 16 Follow Up.pdf](#)

Kyle – yes, we objected to the government’s refusal to provide us with extractions at that time and received no response from your office to our objections. Please again see the attached correspondence. In addition, your office never advised that the final extractions were ready for reviewing because, again, we received no response at all.

We reiterate our position that the government’s failure to provide us with phone extractions for Mr. Samsel’s co-defendants warrants the exclusion of evidence obtained from those extractions at a trial as against Mr. Samsel.

Thanks,

Stanley

From: Mirabelli, Kyle (USADC) <Kyle.Mirabelli@usdoj.gov>
Sent: Sunday, October 15, 2023 11:34 AM
To: Stanley Woodward <stanley@brandwoodwardlaw.com>
Cc: Hutton Marshall <jhuttonmarshall@gmail.com>; CJA_Rf_rfeitellaw.com <Rf@rfeitellaw.com>; Angie Halim <angiehalim@gmail.com>; Lauren Rosen <Lauren_Rosen@fd.org>; Todd Richman <Todd_Richman@fd.org>; Foster, Alexandra (USADC) <Alexandra.Foster@usdoj.gov>; Brunwin, Christopher (USADC) <Christopher.Brunwin@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Samsel et al. 21-cr-537

That’s exactly what the letter made available to you back in February of 2022. Did you reach out to any of the AUSAs at that time to view them?

From: Stanley Woodward <stanley@brandwoodwardlaw.com>
Sent: Sunday, October 15, 2023 11:25 AM
To: Mirabelli, Kyle (USADC) <KMirabelli@usa.doj.gov>
Cc: Hutton Marshall <jhuttonmarshall@gmail.com>; CJA_Rf_rfeitellaw.com <Rf@rfeitellaw.com>; Angie Halim <angiehalim@gmail.com>; Lauren Rosen <Lauren_Rosen@fd.org>; Todd Richman <Todd_Richman@fd.org>
Subject: Re: [EXTERNAL] RE: Samsel et al. 21-cr-537

Kyle - we’re not asking to view the physical devices. We would like extractions - scoped or otherwise - of the phones. Unless the government provides the same we will seek to exclude all evidence from the phones at trial.

Thanks,

Stanley

Sent from my iPhone

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On Oct 15, 2023, at 10:02 AM, Mirabelli, Kyle (USADC) <Kyle.Mirabelli@usdoj.gov> wrote:

Hi Stanley,

In response to our inquiry about unscoped phones, you may come view them at the USAO. The attached discovery letter from February 24, 2022 directed you to contact the AUSAs on the case at that time to set up a time to view the unscoped phones. Let us know if you'd like to do that this week.

Best,
Kyle

From: Stanley Woodward <stanley@brandwoodwardlaw.com>
Sent: Tuesday, October 3, 2023 1:55 PM
To: Mirabelli, Kyle (USADC) <KMirabelli@usa.doj.gov>
Cc: CJA_Rf_rfeitellaw.com <Rf@rfeitellaw.com>; SFBrennwald_cs.com <SFBrennwald@cs.com>; Todd Richman <Todd_Richman@fd.org>; William L. Shipley <808shipleylaw@gmail.com>; Angie Halim <angiehalim@gmail.com>; Rosen, Lauren (FD) <Lauren_Rosen@fd.org>; Brunwin, Christopher (USADC) <CBrunwin@usa.doj.gov>; Foster, Alexandra (USADC) <AFoster@usa.doj.gov>; Marshall, Joseph Hutton (USADC) <JMarshall@usa.doj.gov>
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Also can you please provide a basis for the redactions?

Thanks,

Stanley

On Tue, Oct 3, 2023 at 1:54 PM Stanley Woodward

<stanley@brandwoodwardlaw.com> wrote:

Kyle - I've never seen this before. Can you please provide more information about how it was produced?

How was it created?

Do these exist for the other defendants as well?

Thanks,

Stanley

On Tue, Oct 3, 2023 at 1:42 PM Mirabelli, Kyle (USADC) <Kyle.Mirabelli@usdoj.gov> wrote:

Stanley,

I believe we learned of the recorded interviews in August. I've attached the outdoor trace that was previously produced in January. I'll have to look into the cell phones.

Best,
Kyle

From: stanley@brandwoodwardlaw.com <stanley@brandwoodwardlaw.com>

Sent: Tuesday, October 3, 2023 9:34 AM

To: Mirabelli, Kyle (USADC) <KMirabelli@usa.doj.gov>; 'CJA_Rf_rfeitellaw.com' <Rf@rfeitellaw.com>; 'SFBrennwald_cs.com' <SFBrennwald@cs.com>; 'Todd Richman' <Todd_Richman@fd.org>; 'William L. Shipley' <808shipleylaw@gmail.com>; 'Angie Halim' <angiehalim@gmail.com>; 'Rosen, Lauren (FD)' <Lauren_Rosen@fd.org>

Cc: Brunwin, Christopher (USADC) <CBrunwin@usa.doj.gov>; Foster, Alexandra (USADC) <AFoster@usa.doj.gov>; Marshall, Joseph Hutton (USADC) <JMarshall@usa.doj.gov>

Subject: RE: [EXTERNAL] RE: Samsel et al. 21-cr-537

Thanks Kyle – a few follow ups.

With respect to exhibits 506-518 – is it accurate that prior to Mr. Samsel's filing of the motion for temporary release on August 27, 2023, the government was not aware of these interviews (excluding, of course, the one you mention disclosing to us on January 13). You'll forgive my insistence on nailing down timing, but obviously timing is important with respect to the government's discovery obligations and I need to keep a clear record for our client.

With respect to the "outdoor trace report," I'm afraid I don't know what that is and I don't otherwise have a production on January 19, 2023.

With respect to the defendants' cell phones, we've reviewed the files the government included in the 1100 series, but the format of the same makes it difficult if not impossible to access the information. Images and videos in text threads, for example, are not readily viewable. In our December 20, 2021, correspondence, we requested that cell phone extractions be produced as Cellebrite UFED Reader (UFDR) reports (.udf / .bin files) for each device imaged by the government. Although we received such extractions for Mr. Samsel's and Ms. Genco's phones, we don't appear to have received, scoped or otherwise, such extractions for the other defendants. Could the government please produce the same asap (and provide a sense of timing).

Thanks,

Stanley

From: Mirabelli, Kyle (USADC) <Kyle.Mirabelli@usdoj.gov>

Sent: Monday, October 2, 2023 7:16 PM

To: stanley@brandwoodwardlaw.com; 'CJA_Rf_rfeitellaw.com'

<Rf@rfeitellaw.com>; 'SFBrennwald_cs.com' <SFBrennwald@cs.com>; 'Todd

Richman' <Todd_Richman@fd.org>; 'William L. Shipley'

<808shipleylaw@gmail.com>; 'Angie Halim' <angiehalim@gmail.com>; 'Rosen, Lauren (FD)' <Lauren_Rosen@fd.org>

Cc: Brunwin, Christopher (USADC) <Christopher.Brunwin@usdoj.gov>; Foster,

Alexandra (USADC) <Alexandra.Foster@usdoj.gov>; Marshall, Joseph Hutton

(USADC) <Joseph.Hutton.Marshall@usdoj.gov>

Subject: RE: [EXTERNAL] RE: Samsel et al. 21-cr-537

Hi Stanley,

We are working on getting 519-521 downloaded and produced as audio files. In the meantime, we have provided the links where you can review them online on the exhibit list.

As to exhibits 506-518, the government recently learned of many of these interviews and cited them in its recent response to your motion for Mr. Samsel's release. We did inform you of one of these interviews in an email from January 13 titled Re: Samsel interview on the Gateway Pundit re: medical conditions.

Regarding C.W._ _Samsel Plank_toss, that must have been left off in error. We are updating the exhibit list and will send an updated one this week.

I'll have to look into whether the BWC has been previously produced, but as you

are aware, BWC from January 6 is available to the defense in evidence.com.

On the updated exhibit list (which is in progress), 412, 420, 424 and 425 have been removed.

We produced an outdoor trace report with links to several videos available on the internet on January 19. 354 was cited in that report and has been available online. 355 and 356 were produced on Feb 1 with the title Never-before-seen January 6 footage from our photographer.

Best,
Kyle

From: stanley@brandwoodwardlaw.com <stanley@brandwoodwardlaw.com>

Sent: Monday, October 2, 2023 5:56 PM

To: Mirabelli, Kyle (USADC) <KMirabelli@usa.doj.gov>; 'CJA_Rf_rfeitellaw.com' <Rf@rfeitellaw.com>; 'SFBrennwald_cs.com' <SFBrennwald@cs.com>; 'Todd Richman' <Todd_Richman@fd.org>; 'William L. Shipley' <808shipleylaw@gmail.com>; 'Angie Halim' <angiehalim@gmail.com>; 'Rosen, Lauren (FD)' <Lauren_Rosen@fd.org>

Cc: Brunwin, Christopher (USADC) <CBrunwin@usa.doj.gov>; Foster, Alexandra (USADC) <AFoster@usa.doj.gov>; Marshall, Joseph Hutton (USADC) <JMarshall@usa.doj.gov>

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Kyle – I wanted to follow up regarding this production.

First, we appear to not yet have exhibits 519, 520, or 521. Could you please provide the same?

Second, with respect to exhibits 506 through 518, had these been previously produced in discovery? If not, could the government please advise when it first learned of the existence of these exhibits? As statements by Mr. Samsel, they should have been produced pursuant to Rule 16(a)(1)(A) & (B), and as demanded by our December 20, 2021, correspondence.

Third, with respect to C.W._ _Samsel Plank_toss in your 09.25.23 supplemental exhibits, we don't see this on your exhibit list. Was that intentional? Had this video previously been produced in the case-specific discovery?

Fourth, and similarly, with respect to exhibits 410 through 427 (excluding 426), has this bwc previously been produced to us in the case specific discovery? If it has, could you please direct us to the production and the corresponding file name?

Fifth, for exhibits 412, 424, and 425, there is no audio and the video appears to be a screen grab of bwc. Is this correct?

Sixth, why is Exhibit 420 relevant?

Seventh, with respect to exhibits 354, 355, and 356, when were these videos produced in discovery? If they were previously produced, could you please direct us to the production and the corresponding file name? How does the government plan to authenticate this video?

Thanks,

Stanley

From: Mirabelli, Kyle (USADC) <Kyle.Mirabelli@usdoj.gov>

Sent: Monday, September 25, 2023 6:09 PM

To: CJA_Rf_rfeitellaw.com <Rf@rfeitellaw.com>; SFBrennwald_cs.com <SFBrennwald@cs.com>; Todd Richman <Todd_Richman@fd.org>; William L. Shipley <808shipleylaw@gmail.com>; 'Angie Halim' <angiehalim@gmail.com>; Stanley Woodward <stanley@brandwoodwardlaw.com>; Rosen, Lauren (FD) <Lauren_Rosen@fd.org>

Cc: Brunwin, Christopher (USADC) <Christopher.Brunwin@usdoj.gov>; Foster, Alexandra (USADC) <Alexandra.Foster@usdoj.gov>; Marshall, Joseph Hutton (USADC) <Joseph.Hutton.Marshall@usdoj.gov>

Subject: Samsel et al. 21-cr-537

Good evening,

Please find the Government's preliminary witness list and updated preliminary exhibit lists attached. I will send everyone a folder in USAFX shortly with the new exhibits that have been added.

Best,

Kyle

Kyle R. Mirabelli
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U.S. Attorney's Office – D.C.
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